

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

BRUCE HARRIS and ROY  
MCCULLUM, Individually and Behalf  
of All Others Similarly Situated,  
Plaintiffs,

v.

GEORGIA-PACIFIC WOOD  
PRODUCTS LLC and GEORGIA-  
PACIFIC CONSUMER OPERATIONS  
LLC,  
Defendants.

CIVIL ACTION  
NO. 1:22-cv-02530-TWT

**SECOND JOINT MOTION TO EXTEND DISCOVERY**

Plaintiffs Bruce Harris and Roy McCullum and Defendants Georgia-Pacific Wood Products LLC and Georgia-Pacific Consumer Operations LLC jointly move for a thirty-day extension of the discovery deadline. In support of this motion, the parties show the Court as follows.

1. Plaintiffs initiated this action on June 24, 2022, asserting claims for unpaid overtime under both federal and Arkansas Law. (ECF No. 1.) They brought this action as a nationwide FLSA Collective Action and Arkansas Rule 23 class action. (*Id.*)

2. On March 23, 2023, after briefing by the parties, the Court denied Plaintiffs' motion for conditional certification of the FLSA collective and Plaintiffs' motion for class certification of the Arkansas class. (ECF No. 47.)

3. Subsequently, in an effort to conserve effort and expense for both sides, the parties agreed to explore whether this case can be resolved without further litigation and expense. To this end, the parties agreed to the informal exchange of information and data tailored to making these discussions as successful as possible.

4. Discovery was set to close on July 31, 2023. However, the parties realized that they needed additional time to complete their fact investigations and analyses and be fully prepared to attempt to resolve this case. As a result, the parties jointly requested a one-month extension of discovery, up to and including August 30, 2023, which the Court granted. (ECF Nos. 48, 49.)

5. The parties have been diligently working towards reaching a resolution in this case. Defendants provided Plaintiffs with the electronic time data and pay data for Plaintiffs Harris and McCullum and the three opt-in plaintiffs who joined this suit prior to the Court's order denying conditional certification. However, it has taken Plaintiffs' counsel longer than expected to communicate with the five remaining individual Plaintiffs to discuss settlement authority with

each of their clients. But that process is nearly complete, and Plaintiffs' counsel anticipate that they will be in a position to issue make settlement demands on behalf of each Plaintiff this week.

6. After conferring in good faith, the parties agreed that, for the benefit of both parties, the discovery deadline should be extended by 30 days. Extending this deadline and forestalling additional discovery will give Plaintiffs time to finalize their demand and will allow the parties to conserve resources as they continue to explore whether a resolution can be reached.<sup>1</sup> In the undersigned's experience, conserving resources by both sides can increase the chances that this matter can be resolved without further litigation.

7. The requested extension is also consistent with Rule 1, which states that the Federal Rules of Civil Procedure "should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding." Fed. R. Civ. P. 1.

8. This motion is brought for good cause, will not unduly delay the proceedings, and will not prejudice either party. The parties have conferred about

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<sup>1</sup> In light of the upcoming discovery deadline and out of an abundance of caution, Plaintiffs served written discovery on Defendants and Defendants noticed the depositions of the two named Plaintiffs. But in an effort to conserve costs and reach a resolution, the parties have agreed to postpone responding to written discovery and taking any depositions.

this motion and have agreed to file it jointly. The parties are also prepared to appear for a case management conference if the Court finds that one would be helpful.

For the foregoing reasons, the parties respectfully request a 30-day extension of the discovery deadline, up to and including October 2, 2023. A proposed Order is provided for the Court's convenience.

Respectfully submitted this 28th day of August 2023.

/s/ Josh Sanford

Josh Sanford  
Sanford Law Firm, PLLC  
Kirkpatrick Plaza  
10800 Financial Centre Pkwy.  
Suite 510  
Little Rock, Arkansas 72211  
[josh@sanfordlawfirm.com](mailto:josh@sanfordlawfirm.com)

Colby Qualls  
Forester Haynie, PLLC  
400 N Saint Paul St  
Ste 700  
Dallas, TX 75231  
[cqualls@foresterhaynie.com](mailto:cqualls@foresterhaynie.com)

Steven E. Wolfe  
Legare, Attwood & Wolfe, LLC  
125 Clairemont Avenue, Suite 380  
Decatur, GA 30030  
[sewolfe@law-llc.com](mailto:sewolfe@law-llc.com)  
*Attorneys for Plaintiffs*

/s/ Harry M. Rowland, III

A. Craig Cleland  
GA Bar No. 129825  
Lauren H. Zeldin  
GA Bar No. 368999  
Harry M. Rowland, III  
GA Bar No. 946192  
Ogletree, Deakins, Nash,  
Smoak & Stewart, P.C.  
One Ninety One Peachtree Tower  
191 Peachtree St. NE, Suite 4800  
Atlanta, GA 30303  
Telephone: 404-881-1300  
Facsimile: 404-870-1732  
[lauren.zeldin@ogletreedeakins.com](mailto:lauren.zeldin@ogletreedeakins.com)  
[craig.cleland@ogletreedeakins.com](mailto:craig.cleland@ogletreedeakins.com)  
[harry.rowland@ogletreedeakins.com](mailto:harry.rowland@ogletreedeakins.com)  
*Attorneys for Defendants*

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**CERTIFICATE OF SERVICE**

I certify that on August 28, 2023, I electronically filed the **Second Joint Motion to Extend Discovery** with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to the following attorneys of record:

Steven E. Wolfe  
LEGARE, ATTWOOD & WOLFE, LLC  
125 Clairemont Avenue, Suite 380  
Decatur, GA 30030  
sewolfe@law-llc.com

Josh Sanford  
SANFORD LAW FIRM, PLLC  
Kirkpatrick Plaza  
10800 Financial Centre Pkwy., Suite 150

Little Rock, Arkansas 72211  
josh@sanfordlawfirm.com

Colby Qualls  
Forester Haynie, PLLC  
400 N Saint Paul St., Ste 700  
Dallas, TX 75231  
cqualls@foresterhaynie.com

/s/Harry M. Rowland, III  
Harry M. Rowland, III  
Georgia Bar No. 946192